

# TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

February 27, 2001

D. Bradley Walsh  
Mitchell, McNutt, Threadgill, Smith, & Sams, P.A.  
Post Office Box 947  
Oxford, Mississippi 38655

RE: DIXIE, NET Com., LLC, Docket No. 01-00090

Dear Mr. Walsh:

The Tennessee Regulatory Authority requests the following information regarding the Application of DIXIE, NET Com., LLC for a Certificate of Public Convenience and Necessity to provide competing local telecommunications services in the state of Tennessee.

## **TRA Rules for Local Telecommunications Providers:**

The Applicant should serve notice of its application on the eighteen (18) Incumbent Local Exchange Carriers (ILECs) in Tennessee with a statement regarding the company's intention of operating geographically. Please provide a list of the ILECs on whom the Company served notice of its application.

## **Financial Requirements:**

On March 10, 2000, the Tennessee General Assembly enacted Public Chapter 586, which amends the Tennessee Code Annotated, §65-5-125. This amendment stipulates that by September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to Tennessee Code Annotated, §65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the

Consumer Telemarketing Protection Act of 1990. by or on behalf of the Authority. **Provide a statement outlining the Applicant's intent to abide by TCA §65-4-125 and provide a corporate surety bond if applicable.** Attached for your convenience are samples that you may use to comply with this requirement.

### Numbering Issues

Please provide answers to the following questions concerning numbering within your proposed service area.

1. What is your company's expected demand for NXXs per NPA within a year of approval of your application?
2. How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?
3. When and in what NPA do you expect to establish your service footprint?
4. Will the company sequentially assign telephone numbers within NXXs?
5. What measures does the company intend to take to conserve Tennessee numbering resources?
6. When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?

### Tennessee Specific Operational Issues

Please provide answers to the following questions concerning Tennessee Specific Operational Issues.

1. How does the company intend to comply with TCA §65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.
2. Explain the procedures that will be implemented to assure that your customers will not be billed long distance charges for calls within the metro calling areas.
3. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TRA on resolving customer complaints.
4. Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA §65-4-401 *et seq.* And Chapter 1220-4-11?

**Small and Minority-Owned Telecommunications Business Participation Plan:**

TCA, §65-5-212 provides applicant shall file a plan with the Authority along with application for certificate. Such plan shall contain entity's plan for purchasing goods and services from Small and Minority telecommunications businesses and information on programs, if any, to provide technical assistance to such businesses.

A typical Plan includes:

1. Policy statement:
2. Definitions from statute:
2. Implementation of plan:
4. Measures to contact such businesses in advisement of opportunities for bid of services:
5. Programs for technical assistance: and
6. The Plan should also set forth how it will be administered, the administrator's name, title, address and duties.

Please provide such plan as per TCA 65-5-212.

**Toll Dialing Parity Plan for Applicants Providing Voice Grade Service:**

Please provide a Toll Dialing Parity plan consistent with FCC Docket 96-98.

The Plan should:

1. Include the proposed implementation date. (FCC ORDER 96-333, 38);
2. Include a list of exchanges in which intralata toll dialing parity will be provided. (FCC ORDER 96-333, 38);
3. Include a method to be used to enable new and existing customers to select alternate providers of telephone toll service. (FCC ORDER 96-333, 38);
4. Accomplish intralata toll dialing parity by a means other than automatically assigning toll customers to itself or any other carrier. (FCC ORDER 96-333, 41 & 81);
5. State the PIC method to be used (2-PIC, MULTIPIC, etc.-2 PIC minimum) (FCC ORDER 96-333, 49);
6. Include customer education procedures (FCC ORDER 96-333, 80);

7. Identify the data with which it is proposed to associate. (FCC ORDER 96-333, 38);
8. State whether a PIC change charge waiver period is proposed and for how long. (Tennessee Regulatory Authority);
9. Include anti-slamming procedures. (Tennessee Regulatory Authority);
10. Include statements concerning nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings. (If applicable);
11. Include a statement that the carrier will comply with all rules of the FCC and the TRA.

### Sworn Pre-filed Testimony

An application for CCN should also include a notarized sworn testimony. You will find the sample questions that must be covered in the testimony at the following URL: <http://www.state.tn.us/tra/telecomfiles/clecapplication.htm>. After you open this page, click on the **CLEC Application Package** to view those questions.

### Notes:

- A. With entry into the local exchange communications markets in Tennessee come basic obligations and responsibilities to serve the public interest. Therefore, all Competing Telecommunications Service Providers providing basic local exchange telephone service or its equivalent shall either directly or through arrangements with other carriers or companies: 1) Provide access to 911 and E911 emergency service; 2) Provide white page directory listings and directory assistance; 3) Provide consumer access to and support for the Tennessee Relay Center in the same manner as incumbent local exchange telephone companies; 4) Provide free blocking service for 900, 976 type services in accordance with TRA policy; 5) Provide Lifeline and Link-up services to qualifying citizens of this state; 6) Provide educational discounts in existence as of June 6, 1995 TRA Rule 1220-4-8-.04
- B. If any of the information is not available or cannot be provided, please provide an explanation. Identify any information being replaced for the requested information.
- C. Applicant must state intent to comply with TCA §65-4-201.
- D. After public notice and hearing, the TRA shall grant a certificate of convenience and necessity to a Competing Local Telecommunications Service Provider if after examining the evidence presented, the TRA finds: 1) the applicant possesses sufficient managerial, financial, and technical abilities to provide the applied for

services: 2) The applicant has demonstrated that it will adhere to all applicable TRA policies, rules and orders. TRA Rule 1220-4-8-04.

- E. Certificates awarded to Competing Local Telecommunications Service Providers shall designate those incumbent local exchange companies, which serve those areas in which the competing provider intends to operate. If the competing provider wishes to expand into areas served by other incumbent providers, the competing provider must file a petition to modify the certificate. The Commission shall act upon that petition within sixty (60) days of filing. TRA Rule 1220-4-8-.04
- F. A Wireline Activity Report should be submitted to the TRA on a monthly basis for approved applicants once service commences. This provides the TRA with information regarding the status of local telephone competition in Tennessee.

Please submit the requested information by March 14, 2001. If you have any questions, please contact either Teferi Mergo at (615) 741-2904 ext. 164.

Sincerely,



David Waddell  
Executive Secretary

Attachment (1)

- C: Docket File  
Joe Werner  
Darlene Standley  
Carsie Mundy